

Proposed Rules
of the
Tennessee Department of Agriculture
Regulatory Services Division

Chapter 0080-06-14
Pest Control Operators

Presented herein are proposed amendments of Department of Agriculture, Division of Regulatory Services, submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Agriculture to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of Agriculture, 440 Hogan Road, Nashville, Tennessee 37220, and the Department of State, 8th Floor, William R. Snodgrass Building, 312 Eighth Avenue North, Nashville, Tennessee 37243-0307, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendments, contact: Kathy Booker, Pesticide Administrator, Division of Regulatory Services, Department of Agriculture, P.O. Box 40627, Nashville, Tennessee, 37204, 615-837-5133.

The text of the proposed amendments is as follows:

Amendments

Subparagraph (c) of paragraph (4) of Rule 0080-06-14-.01 Qualifications of Applicants is amended by deleting the subparagraph in its entirety and substituting instead the following language so that, as amended, it shall read:

- (c) Applicants who hold a current Horticulture, Lawn and Turf (HLT); Horticulture Interior (HRI); Weed Control Right-of-Way and Industrial (WEC); or Agricultural - Ground Equipment (AGE) license are qualified to take the license examination in another of those four categories, provided they are certified in the license category applied for, have two or more years work experience in the license category applied for, or have at least twelve (12) college-level semester hours or twenty-four (24) Continuing Education Units (CEU) related to the license category applied for.

Authority: T.C.A. §§ 62-21-105 and 62-21-118. Administrative History: Original rule filed January 23, 1995; effective May 31, 1995. Amendment filed June 28, 2007; effective September 11, 2007.

Paragraph (2) of Rule 0080-06-14-.02 Certification of Qualifications is amended by deleting the paragraph in its entirety and substituting instead the following language so that, as amended, it shall read:

- (2) A copy of a transcript or certificate properly evidencing a qualifying degree, professional standing, course hours or continuing education units (CEU).

Authority: T.C.A. §§ 62-21-105 and 62-21-118. Administrative History: Original rule filed January 23, 1995; effective May 31, 1995. Amendment filed June 28, 2007; effective September 11, 2007.

Paragraph (9) of Rule 0080-06-14-.04 License Categories is amended by deleting the paragraph in its entirety and substituting instead the following language so that, as amended, it shall read:

- (9) Horticulture - Lawn and Turf (HLT) - Control of pests and diseases that normally invade turf, lawns, and landscape in non-agricultural locations such as residential and commercial lawns and landscapes, parks and athletic fields. This category includes fire ants, fleas and ticks, but no other pests that normally invade the inside of a structure and which are not specifically covered by other categories of licenses described herein. Applicants for this license must be certified in Ornamental and Turf Pest Control.

Authority: T.C.A. §§ 62-21-105 and 62-21-118. Administrative History: Original rule filed January 23, 1995; effective May 31, 1995. Amendment filed June 28, 2007; effective September 11, 2007.

The proposed rules set out herein were properly filed in the Department of State on the 29th day of May, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 9th day of September, 2008. (FS 05-15-08; DBID 2889)

Addendum
As Required By Public Chapter No. 464
Economic Impact Statement

Tennessee Department of Agriculture
Amendments/New Rules
Chapter No. 0080-06-14
Pest Control Operators

- (1) The amendments will affect businesses of any size that are buying, selling, or using restricted use pesticides, and will create opportunities for those that would like to pursue the pest control business in Tennessee. The number of small businesses that will be affected by the amendments cannot be estimated with any degree of certainty.
- (2) The amendments would not require any additional reporting, recordkeeping or other administrative costs.
- (3) There will be no effect on small businesses as a result of the amendments. The criteria that must be met in order to sit for the license exams is the same. The amendments will broaden the scope of services available to consumers.
- (4) There are no less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the amendments. The amendments will clarify the rules for small businesses.
- (5) There are no federal or state counterparts.
- (6) There would be no way to exempt small businesses and still enforce the rules.